

**CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES**

A special meeting of the Wilsonville City Council was held at the Wilsonville City Hall beginning at 6:30 p.m. on Wednesday, May 26, 2021. Mayor Fitzgerald called the meeting to order at 6:32 p.m., followed by roll call and the Pledge of Allegiance.

The following City Council members were present:

Mayor Fitzgerald
Council President Akervall
Councilor Lehan - Excused
Councilor West - Absent
Councilor Linville

Staff present included:

Bryan Cosgrove, City Manager
Barbara Jacobson, City Attorney
Kimberly Veliz, City Recorder
Beth Wolf, Systems Analyst
Andy Stone, IT Director
Philip Bradford, Associate Planner
Miranda Bateschell, Planning Director
Dan Pauly, Planning Manager

Motion to approve the order of the agenda.

Motion: Councilor Linville moved to approve the order of the agenda. Councilor Akervall seconded the motion.

Vote: Motion carried 3-0.

SUMMARY OF VOTES

Mayor Fitzgerald	Yes
Council President Akervall	Yes
Councilor Lehan	Excused
Councilor West	Absent
Councilor Linville	Yes

MAYOR'S BUSINESS

A. None.

COMMUNICATIONS

A. None.

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CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS

This is an opportunity for visitors to address the City Council on items not on the agenda. It is also the time to address items that are on the agenda but not scheduled for a public hearing. Staff and the City Council will make every effort to respond to questions raised during citizens input before tonight's meeting ends or as quickly as possible thereafter. Please limit your comments to three minutes.

There was no public input.

COUNCILOR COMMENTS

A. None.

CONSENT AGENDA

A. None.

NEW BUSINESS

A. None.

CONTINUING BUSINESS

A. None.

PUBLIC HEARING

City Manager Cosgrove read the title of Ordinance Nos. 847 and 848 into the record on first reading.

Mayor Fitzgerald provided the public hearing format and opened the public hearing at 6:37 p.m.

No Councilor declared a conflict of interest, bias, or conclusion from information gained outside the hearing. No member of the audience challenged any of the Councilor's participation.

Barbara Jacobson, City Attorney noted for the record the City does not have these type of hearings often. Ms. Jacobson further noted this item had been through a lot to get to where it is currently. Ms. Jacobson stated the Development Review Board (DRB) made the determination on the land use process that was being applied. Which included a recommendation to change the zoning to go along with new land use plans. She reminded Council they cannot relook at reconfiguration of the lots, traffic, or removal of the trees because DRB had already made those determinations. Council can only look at the zoning and decide whether this property should or should not be rezoned. Ms. Jacobson disclosed that the DRB decision was finalized with no appeal filed. Therefore, Council is not reconsidering anything having to do with the determinations already made by the DRB.

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Miranda Bateschell, Planning Director introduced the project and prior Development Review Board process.

Philip Bradford, Associate Planner provided the staff report and PowerPoint, which has been made a part of the record.

Mr. Bradford announced the applicable review criteria for Ordinance No. 847 comprehensive plan map amendment are included on page 2 of the staff report in Exhibit A Attachment 2. In addition, the applicable review criteria for Ordinance No. 848 zone map amendment are included on page 2 the staff report in Exhibit B Attachment 2.

Prior to the beginning of the presentation Mr. Bradford responded to a question received from Council. He proceeded to explain the DRB staff report, which is contained within the City Council packet, might include information that conflicts with the final site plan layout as the project went through multiple changes throughout the approval process. The conditions from DRB are consistent with the final lot configuration. However, there may be numbers and other information in findings and discussion points that refer to old configurations and those were not struck through to be removed. Therefore, there are instances such as the discussion points' stating that Tract B serves two dwelling units when based on the conditions from DRB Tract B no longer serves any residential units.

Following the explanation of changes in packet materials Mr. Bradford continued to present the PowerPoint beginning with background and context.

Council clarifying questions followed the presentation.

Staff explained when a project is being reviewed and approved by DRB the members make a motion for staff to make changes to the staff report. In this case, there were motions made to add four conditions which addressed concerns raised by residents. Staff made changes to the staff report prior to the hearing to address the changes that they knew were coming from the materials received from the applicant. However, there was not a motion from the DRB to strike through additional aspects of the staff report. Therefore, certain talking points and findings remained unchanged. When staff works on the amended and adopted staff reports they typically only change items DRB directs them to change. So, the record in the end reflects sufficiently the intent of the DRB. Exhibits that show the final configuration and the conditions from both staff and the DRB are reflected in the end plan presented by the applicant. Staff acknowledged they are comfortable with the final report.

Staff informed the trees on the lots would be evaluated for preservation during the building permit stage of the process. It was noted that the setbacks overall are what the zone requires. Therefore, staff does not see the overlap between the building footprint and the tree protection fencing changing that drastically even with the new plans. Which is why significant conditions were added to re-evaluate the trees as this project progresses.

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The tree fencing would be at the drip line. If during construction, there is a need to take down the fencing or anything to explore for potential foundations that would trigger the contractor to contact the City and have an arborist on site as that work is completed. This is to ensure tree preservation is maximized. Staff explained if there were a scenario with a tree on an adjacent lot where roots or a dripline goes on to another lot then there would be fencing around that as well.

Staff recalled the site design review standards, which would include the tree preservation, are not before City Council this evening.

Staff explained once the City receives final plans from the applicant and as they work on addressing conditions of approval from DRB the line and the sizes may shift and be different. Nevertheless, in line with the conditions of approval, any changes to the lot configuration made would still meet all applicable review criteria. Therefore, in theory the applicant is providing above and beyond now with the open space condition. This is subject to change based on the conditions because that does result in slight reconfiguration especially if the applicant is going to design a vehicle turnaround on Tract B.

City Attorney Jacobson restated the scope of this review is limited to the zone change and the comprehensive plan change.

Applicant Steve Miller along with the Emerio Design LLC team presented to City Council.

Mr. Miller described there were extensive design changes that took place because of the DRB meetings. He further stated PDR3 zoning, which is being requested, is the lowest density zone in the City of Wilsonville. He restated there is no other lower density zone than PDR3.

He then shared his screen to display and review the comprehensive plan map with Council.

Mr. Miller explained residential holding zones are zones put in place to preserve larger lot sizes so when properties redevelop at urban densities those zones would be rezoned to PDR3 zones. These lot types are developed which brings density into the city limits. It is planning one-on-one concept for the state of Oregon. Lots are brought into the Urban Growth Boundary (UGB), put in holdings, and are retained as large lot sizes until public facilities become available for them to be redevelop and rezoned.

Mr. Miller then provided background information on the project.

Council questions followed the applicant's presentation.

Mayor Fitzgerald invited public testimony.

The following Wilsonville residents spoke in opposition of Ordinance Nos. 847 and 848:

Kristi Halstead	Chip Halstead	Joan Carlson	Brenda Troupe
David Carlson	Helena Lulay	Anthony Calcagno	

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The applicant provided rebuttal to the public testimony.

The rebuttal was followed by clarifying questions of Council.

Mayor Fitzgerald closed the public hearings on Ordinance Nos. 847 and 848 at 8:05 p.m. She then asked Council for the motions.

A. Ordinance No. 847 – 1st Reading (Land Use Hearing)

An Ordinance Of The City Of Wilsonville Approving A Comprehensive Plan Map Amendment From Residential 0-1 Dwelling Units Per Acre To Residential 4-5 Dwelling Units Per Acre On Approximately 2.25 Acres Located At 28700 SW Canyon Creek Road South; The Land Is More Particularly Described As Tax Lot 6400, Section 13BD, Township 3 South, Range 1 West, Willamette Meridian, City Of Wilsonville, Clackamas County, Oregon. Scott Miller, Samm-Miller, LLC – Applicant For William Z. Spring – Owner.

Motion: Councilor Akervall moved to approve Ordinance No. 847 on first reading. Councilor Linville seconded the motion.

Council appreciated all those involved in the process.

Vote: Motion carried 3-0.

SUMMARY OF VOTES

Mayor Fitzgerald	Yes
Council President Akervall	Yes
Councilor Lehan	Excused
Councilor West	Absent
Councilor Linville	Yes

The City Attorney informed quasi-judicial/land use appeal rights would need to be read if not now then at the second reading of Ordinance Nos. 847 and 848.

B. Ordinance No. 848 – 1st Reading (Land Use Hearing)

An Ordinance Of The City Of Wilsonville Approving A Zone Map Amendment From The Residential Agriculture-Holding (RA-H) Zone To The Planned Development Residential-3 (PDR-3) Zone On Approximately 2.25 Acres Located At 28700 SW Canyon Creek Road South; The Land Is More Particularly Described As Tax Lot 6400, Section 13BD, Township 3 South, Range 1 West, Willamette Meridian, City Of Wilsonville, Clackamas County, Oregon. Scott Miller, Samm-Miller, LLC – Applicant For William Z. Spring – Owner.

Motion: Councilor Akervall moved to approve Ordinance No. 848 on first reading. Councilor Linville seconded the motion.

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Vote: Motion carried 3-0.

SUMMARY OF VOTES

Mayor Fitzgerald	Yes
Council President Akervall	Yes
Councilor Lehan	Excused
Councilor West	Absent
Councilor Linville	Yes

The applicant asked whether it was possible for a second reading to take place that evening. Staff responded the second reading would need to occur at the next City Council meeting.

CITY MANAGER’S BUSINESS

No Report.

LEGAL BUSINESS

No Report.

ADJOURN

Mayor Fitzgerald adjourned the meeting at 8:16 p.m.

Respectfully submitted,

DocuSigned by:

 E781DE10276B498...

 Kimberly Veliz, City Recorder

ATTEST:

DocuSigned by:

 8A974AF3ADE042E...

 Julie Fitzgerald, Mayor